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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

PATRICIA N. and GUY N.,
individually and on behalf of their
minor daughter, AMBER N.,

Plaintiffs,

vs.

PATRICIA HAMAMOTO, in her
official capacity as Superintendent of
the Hawaii Department of Education;
DEPARTMENT OF EDUCATION,
STATE OF HAWAII,

Defendants.

CIVIL No. CV00-00252 MLR/LEK
(Other Civil Action)

PLAINTIFFS' MOTION FOR
RECONSIDERATION REGARDING
PLAINTIFFS' MOTION TO
CONTINUE THE HEARING ON: 1)
DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' FIRST
AMENDED COMPLAINT FILED
JUNE 2, 2008, FOR FAILURE TO
EXHAUST ADMINISTRATIVE
REMEDIES; AND 2)
DEFENDANTS' MOTION TO
PRECLUDE THE TESTIMONY OF
BARBARA BATEMAN;
DECLARATION OF STANLEY E.
LEVIN; DECLARATION OF MARK
S. DAVIS AND CERTIFICATE OF
SERVICE

HEARING: September 11, 2008

TIME: 10:00 a.m.

JUDGE: MANUEL L. REAL

**PLAINTIFFS' MOTION FOR RECONSIDERATION REGARDING
PLAINTIFFS' MOTION TO CONTINUE THE HEARING
ON: 1) DEFENDANTS' MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT FILED JUNE 2, 2008, FOR
FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES;
AND 2) DEFENDANTS' MOTION TO PRECLUDE
THE TESTIMONY OF BARBARA BATEMAN**

Plaintiffs, above-named, hereby move this Court to reconsider its Motion to Continue the hearing set for September 11, 2008 at 10:00 a.m. on: 1) Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, Filed June 2, 2008, for Failure to Exhaust Administrative Remedies; and 2) Defendants' Motion to Preclude the Testimony of Barbara Bateman. Plaintiffs' Motion to Continue the hearing set for September 11, 2008 was denied by the court in an Order filed on August 29, 2008 with no explanation.

The grounds for this motion are that the lead attorney, Michael Livingston, has suffered severe complications over a serious leg injury he had earlier this year. Mr. Livingston just had reconstructive surgery on September 2, 2008 and he will not physically be in Hawaii on the date of the scheduled hearing. Not only will Michael Livingston not be physically in Hawaii, he will be unable to handle the hearing by telephone. Attorney Stanley E. Levin cannot argue the motions as he suffers from Parkinson's disease. Anne L. Williams is presently out of the country for several more weeks. Defendants have no objection to moving the hearing.

Therefore, Plaintiffs hereby request that the hearing be moved from September 11, 2008 to another date in mid-October.

This motion is authorized by Rule 7 of the Federal Rules of Civil Procedure and the declaration attached hereto.

DATED: Honolulu, Hawaii, September 3, 2008.

/S/ STANLEY E. LEVIN

STANLEY E. LEVIN
MICHAEL K. LIVINGSTON
ANNE L. WILLIAMS
SUSAN K. DORSEY

Attorneys for Plaintiffs